

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**FILED**BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☒ SUPERSEDING**OFFENSE CHARGED**

SEE ATTACHED.

- ☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: SEE ATTACHED.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

SEP 17 2020
SUSAN Y. SOONG

CLERK, U.S. DISTRICT COURT

NORTH DISTRICT OF CALIFORNIA

DEFENDANT - U.S.▶ JOSE IGNACIO OCHOA AKA "DIVER"

DISTRICT COURT NUMBER

CR 20-00317 JSW

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI, ATF, DEA

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSESHOW
DOCKET NO.☐ this prosecution relates to a pending case involving this same defendantMAGISTRATE
CASE NO.☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form DAVID L. ANDERSON☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

Samantha Schott Bennett**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1) ☒ If not detained give date any prior summons was served on above charges ▶
- 2) ☒ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction } ☐ Federal ☐ State
- 6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST ▶

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY ▶

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS* ☒ WARRANTBail Amount: NO BAIL

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments:

FILED

SEP 17 2020

PENALTY SHEET FOR JOSE IGNACIO OCHOA, aka "DIVER"

SUSAN Y. SOONG
U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

Count One: Conspiracy to Distribute and to Possess with Intent to Distribute Heroin, Cocaine, and Methamphetamine, 21 U.S.C. §§ 846, 841(a)(1), 841(b)(1)(B)(viii), and 841(b)(1)(C)

Maximum term of imprisonment: 40 years
Mandatory minimum term of imprisonment: 5 years
Maximum term of supervised release: Life
Mandatory minimum term of supervised release: 4 years
Maximum fine: \$5,000,000
Mandatory special assessment: \$100
Forfeiture
Denial of federal benefits

Count Two: Possession with Intent to Distribute Cocaine, 21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(ii)

Maximum term of imprisonment: 40 years
Mandatory minimum term of imprisonment: 5 years
Maximum term of supervised release: Life
Mandatory minimum term of supervised release: 4 years
Maximum fine: \$5,000,000
Mandatory special assessment: \$100
Forfeiture
Denial of federal benefits

Count Three: Possession with Intent to Distribute Heroin, 21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(i)

Maximum term of imprisonment: 40 years
Mandatory minimum term of imprisonment: 5 years
Maximum term of supervised release: Life
Mandatory minimum term of supervised release: 4 years
Maximum fine: \$5,000,000
Mandatory special assessment: \$100
Forfeiture
Denial of federal benefits

Count Four: Possession with Intent to Distribute Methamphetamine, 21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(viii)

Maximum term of imprisonment: 40 years
Mandatory minimum term of imprisonment: 5 years
Maximum term of supervised release: Life
Mandatory minimum term of supervised release: 4 years
Maximum fine: \$5,000,000
Mandatory special assessment: \$100
Forfeiture
Denial of federal benefits

FILED

SEP 17 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

Count Five: Possession with Intent to Distribute Fentanyl, 21 U.S.C. §§ 841(a)(1) and (b)(1)(C)

Maximum term of imprisonment: 20 years
Maximum term of supervised release: Life
Mandatory minimum term of supervised release: 3 years
Maximum fine: \$1,000,000
Mandatory special assessment: \$100
Forfeiture
Denial of federal benefits

Count Six: Possession of a Firearm in Furtherance of a Drug Trafficking Crime, 18 U.S.C. § 924(c)(1)(A)(i)

Maximum term of imprisonment: Life
Mandatory minimum term of imprisonment: 5 years
Maximum term of supervised release: 5 years
Maximum fine: \$250,000
Mandatory special assessment: \$100
Forfeiture

Count Seven: Felon in Possession of a Firearm and Ammunition, 18 U.S.C. § 922(g)(1)

Maximum term of imprisonment: 10 years
Maximum term of supervised release: 3 years
Maximum fine: \$250,000
Mandatory special assessment: \$100
Forfeiture

FILED

SEP 17 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: OAKLAND - CR 20-00317 JSW

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE IGNACIO OCHOA,
aka "Diver,"
LUIS CRUZ,
aka "Chita,"
LUIS RAMIREZ-CARRANZA,
aka "Chino,"
PHABEL GUTIERREZ,
aka "Faja,"
ANGEL MAGAÑA,
aka "Villain,"
ERNESTO MISSIEGO,
aka "Lil Neto,"
CHRISTIAN CERVANTES,
aka "Bam Bam,"
FRANCISCO CANO,
aka "Vaca,"
ARMANDO NAVARRO-PINONES,
aka "Viejon,"
SHEENA MIDDLETON,
aka "China,"
LUIS CABRERA,
aka "Guero,"
ALEXIS PEREZ,
aka "Alexis Perez-Morales,"
BRIAN ALVARENGA,
aka "Goofy," and
KEVIN VIDAL,
aka "Killa Kev,"

DEFENDANT(S).

FILED

SEP 17 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

SUPERSEDING INDICTMENT

- 21 U.S.C. §§ 846, 841(a)(1), (b)(1)(B)(viii), and (b)(1)(C) – Conspiracy to Distribute and Possess with Intent to Distribute Heroin, Cocaine, and Methamphetamine;
21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(ii) – Possession with Intent to Distribute Cocaine;
21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(i) – Possession with Intent to Distribute Heroin;
21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(viii) – Possession with Intent to Distribute Methamphetamine;
21 U.S.C. §§ 841(a)(1) and (b)(1)(C) – Possession with Intent to Distribute Fentanyl;
21 U.S.C. §§ 841(a)(1) and (b)(1)(C) – Possession with Intent to Distribute Methamphetamine;
18 U.S.C. § 924(c)(1)(A)(i) – Possession of a Firearm in Furtherance of a Drug Trafficking Crime;
18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm and Ammunition;
18 U.S.C. § 922(o) – Transfer of Machinegun;
26 U.S.C. § 5861(d) – Possession of an Unregistered Firearm;
21 U.S.C. § 853, 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c) – Forfeiture Allegations

A true bill.

/s/ Foreperson of the Grand Jury

Foreman

Filed in open court this 17th day of
September, 2020

Clerk

Bail, \$ No Process

FILED**SEP 17 2020**SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA1 DAVID L. ANDERSON (CABN 149604)
United States Attorney
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78 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.

) CASE NO. CR 20-00317 JSW

) VIOLATIONS:14 JOSE IGNACIO OCHOA,
aka "Diver,"
15 LUIS CRUZ,
aka "Chita,"
16 LUIS RAMIREZ-CARRANZA,
aka "Chino,"
17 PHABEL GUTIERREZ,
aka "Faja,"
18 ANGEL MAGAÑA,
aka "Villain,"
19 ERNESTO MISSIEGO,
aka "Lil Neto,"
20 CHRISTIAN CERVANTES,
aka "Bam Bam,"
21 FRANCISCO CANO,
aka "Vaca,"
22 ARMANDO NAVARRO-PINONES,
aka "Viejon,"
23 SHEENA MIDDLETON,
aka "China,"
24 LUIS CABRERA,
aka "Guero,"
25 ALEXIS PEREZ,
aka "Alexis Perez-Morales,"
26 BRIAN ALVARENGA,
aka "Goofy," and
27 KEVIN VIDAL,
aka "Killa Kev,"
28) 21 U.S.C. §§ 846, 841(a)(1), (b)(1)(B)(viii), and
) (b)(1)(C) – Conspiracy to Distribute and Possess with
) Intent to Distribute Heroin, Cocaine, and
) Methamphetamine;
) 21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(ii) – Possession
) with Intent to Distribute Cocaine;
) 21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(i) – Possession
) with Intent to Distribute Heroin;
) 21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(viii) –
) Possession with Intent to Distribute
) Methamphetamine;
) 21 U.S.C. §§ 841(a)(1) and (b)(1)(C) – Possession
) with Intent to Distribute Fentanyl;
) 21 U.S.C. §§ 841(a)(1) and (b)(1)(C) – Possession
) with Intent to Distribute Methamphetamine;
) 18 U.S.C. § 924(c)(1)(A)(i) – Possession of a Firearm
) in Furtherance of a Drug Trafficking Crime;
) 18 U.S.C. § 922(g)(1) – Felon in Possession of a
) Firearm and Ammunition;
) 18 U.S.C. § 922(o) – Transfer of Machinegun;
) 26 U.S.C. § 5861(d) – Possession of an Unregistered
) Firearm;
) 21 U.S.C. § 853, 18 U.S.C. § 924(d) and 28 U.S.C. §
) 2461(c) – Forfeiture AllegationsDefendants.
SUPERSEDING INDICTMENT
CR 20-00317 JSW

SUPERSEDING INDICTMENT

The Grand Jury charges:

COUNT ONE: (21 U.S.C. §§ 846 and 841(a)(1), (b)(1)(B)(viii) and (b)(1)(C) – Conspiracy to Distribute and Possess with Intent to Distribute Heroin, Cocaine, and Methamphetamine)

Beginning on a date unknown to the grand jury, but no later than on or about April 22, 2019, and continuing through at least May 29, 2020, in the Northern District of California, the defendants,

JOSE IGNACIO OCHOA,
aka "Diver,"
LUIS CRUZ,
aka "Chita,"
LUIS RAMIREZ-CARRANZA,
aka "Chino,"
PHABEL GUTIERREZ,
aka "Faja,"
ANGEL MAGAÑA,
aka "Villain,"
ERNESTO MISSIEGO,
aka "Lil Neto,"
CHRISTIAN CERVANTES,
aka "Bam Bam,"
FRANCISCO CANO,
aka "Vaca,"
ARMANDO NAVARRO-PINONES,
aka "Viejon,"
SHEENA MIDDLETON,
aka "China,"; and
LUIS CABRERA,
aka "Guero,"

and others known and unknown to the Grand Jury, did knowingly and intentionally conspire to distribute and possess with intent to distribute heroin, a Schedule I controlled substance; cocaine, a Schedule II controlled substance; and 50 grams and more of a mixture and substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, all in violation of Title 21, United States Code, Sections 846, 841(a)(1), (b)(1)(B)(viii), and (b)(1)(C).

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1 COUNT TWO: (21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(ii) – Possession with Intent to Distribute
2 Cocaine)

3 On or about June 12, 2019, in the Northern District of California, the defendant,

4 JOSE IGNACIO OCHOA,
5 aka “Diver,”

6 did knowingly and intentionally possess with intent to distribute 500 grams and more of a mixture and
7 substance containing a detectable amount of cocaine, its salts, optical and geometric isomers, and salts
8 of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections
9 841(a)(1) and (b)(1)(B)(ii).

10
11 COUNT THREE: (21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(i) – Possession with Intent to Distribute
12 Heroin)

13 On or about June 12, 2019, in the Northern District of California, the defendant,

14 JOSE IGNACIO OCHOA,
15 aka “Diver,”

16 did knowingly and intentionally possess with intent to distribute 100 grams and more of a mixture and
17 substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of
18 Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B)(i).

19
20 COUNT FOUR: (21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(viii) – Possession with Intent to Distribute
21 Methamphetamine)

22 On or about June 12, 2019, in the Northern District of California, the defendant,

23 JOSE IGNACIO OCHOA,
24 aka “Diver,”

25 did knowingly and intentionally possess with intent to distribute 50 grams and more of a mixture and
26 substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its
27 isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections
28 841(a)(1) and (b)(1)(B)(viii).

1 COUNT FIVE: (21 U.S.C. §§ 841(a)(1) and (b)(1)(C) – Possession with Intent to Distribute
2 Fentanyl)

3 On or about June 12, 2019, in the Northern District of California, the defendant,

4 JOSE IGNACIO OCHOA,
5 aka “Diver,”

6 did knowingly and intentionally possess with intent to distribute a mixture and substance containing a
7 detectable amount of fentanyl, a Schedule II controlled substance, in violation of Title 21, United States
8 Code, Sections 841(a)(1) and (b)(1)(C).

9
10 COUNT SIX: (18 U.S.C. § 924(c)(1)(A)(i) – Possession of a Firearm in Furtherance of a Drug
11 Trafficking Crime)

12 On or about June 12, 2019, in the Northern District of California, the defendant,

13 JOSE IGNACIO OCHOA,
14 aka “Diver,”

15 did knowingly possess a firearm, namely, a Ruger Security-Six .357 magnum revolver, bearing serial
16 number 157-48147, in furtherance of the drug trafficking crimes charged in Counts Two through Five of
17 this Indictment, all in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

18
19 COUNT SEVEN: (18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm and Ammunition)

20 On or about June 12, 2019, in the Northern District of California, the defendant,

21 JOSE IGNACIO OCHOA,
22 aka “Diver,”

23 knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding
24 one year, knowingly possessed a firearm, namely, one Ruger Security-Six .357 magnum revolver,
25 bearing serial number 157-48147, loaded with ammunition, namely, six rounds of Hornaday
26 ammunition, and the firearm and ammunition were in and affecting interstate and foreign commerce, all
27 in violation of Title 18, United States Code, Section 922(g)(1).
28

1 COUNT EIGHT: (21 U.S.C. §§ 841(a)(1) and (b)(1)(C) – Distribution of Methamphetamine)

2 On or about May 6, 2020, in the Northern District of California, the defendant,

3 ALEXIS PEREZ,
4 aka “Alexis Perez-Morales,”

5 did knowingly and intentionally distribute methamphetamine, a Schedule II controlled substance, in
6 violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).

7
8 COUNT NINE: (21 U.S.C. §§ 841(a)(1) and (b)(1)(C) – Distribution of Methamphetamine)

9 On or about May 29, 2020, in the Northern District of California, the defendant,

10 BRIAN ALVARENGA,
11 aka “Goofy,”

12 did knowingly and intentionally distribute methamphetamine, a Schedule II controlled substance, in
13 violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).

14
15 COUNT TEN: (18 U.S.C. §§ 922(o) and 2 – Transfer of a Machinegun)

16 On or about July 23, 2019, in the Northern District of California, the defendants,

17 LUIS RAMIREZ-CARRANZA,
18 aka “Chino,” and
19 KEVIN VIDAL,
20 aka “Killa Kev,”

21 unlawfully transferred a machinegun (any part designed and intended solely and exclusively for use in
22 converting a weapon into a weapon that shoots and is designed to shoot automatically more than one
23 shot, without manual reloading, by a single function of the trigger), specifically, a Glock conversion
24 switch, and aided and abetted the same, in violation of Title 18, United States Code, Sections 922(o) and
25 Section 2.

26 ///

27 ///

28 ///

COUNT ELEVEN: (26 U.S.C. §§ 5861(d) – Possession of Unregistered Firearm)

On or about July 23, 2019, in the Northern District of California, the defendants,

KEVIN VIDAL,
aka “Killa Kev,”

did knowingly possess a machinegun, to wit, a Glock conversion switch, which was not registered to them in the National Firearms Registration and Transfer Record, in violation of Title 26, United States Code, Sections 5841, 5845(b), 5861(d), and 5871.

FIRST FORFEITURE ALLEGATION: (21 U.S.C. § 853(a))

The allegations contained above are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853(a).

Upon conviction of any of the offenses alleged in Counts One through Five and Eight through Nine above, the defendants,

JOSE IGNACIO OCHOA,
aka “Diver,”
LUIS CRUZ,
aka “Chita,”
LUIS RAMIREZ-CARRANZA,
aka “Chino,”

PHABEL GUTIERREZ,
aka “Faja,”

ANGEL MAGAÑA,
aka “Villain,”

ERNESTO MISSIEGO,
aka “Lil Neto,”

CHRISTIAN CERVANTES,
aka “Bam Bam,”

FRANCISCO CANO,
aka “Vaca,”

ARMANDO NAVARRO-PINONES,
aka “Viejon,”

SHEENA MIDDLETON,
aka “China,”

LUIS CABRERA,
aka “Guero,”

ALEXIS PEREZ,
aka “Alexis Perez-Morales”; and
BRIAN ALVARENGA,
aka “Goofy,”

1 shall forfeit to the United States all right, title, and interest in any property constituting and derived from
 2 any proceeds defendant obtained, directly or indirectly, as a result of such violations, and any property
 3 used, or intended to be used, in any manner or part, to commit or to facilitate the commission of such
 4 violations.

5 If any of the property described above, as a result of any act or omission of the defendant:

- 6 a. cannot be located upon exercise of due diligence;
- 7 b. has been transferred or sold to, or deposited with, a third party;
- 8 c. has been placed beyond the jurisdiction of the court;
- 9 d. has been substantially diminished in value; or
- 10 e. has been commingled with other property which cannot be divided without
 11 difficulty,

12 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21,
 13 United States Code, Section 853(p).

14 All pursuant to Title 21, United States Code, Section 853, and Federal Rule of Criminal
 15 Procedure 32.2.

16
 17 SECOND FORFEITURE ALLEGATION: (18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c))

18 The allegations contained in this Indictment are re-alleged and incorporated by reference for the
 19 purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d) and Title 28,
 20 United States Code, Section 2461(c).

21 Upon conviction of the offense set forth in Counts Six through Seven, and Ten through Eleven,
 22 the defendants,

23 JOSE IGNACIO OCHOA,
 aka "Diver,"
 24 LUIS RAMIREZ-CARRANZA,
 aka "Chino," and
 25 KEVIN VIDAL,
 aka "Killa Kev,"
 26
 27
 28

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), any firearm and ammunition involved in the commission of the offense, including, but not limited to, the following property:

- a. one Ruger Security-Six .357 magnum revolver, bearing serial number 157-48147;
- and
- b. six rounds of Hornaday ammunition.

If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to Title 18, United States Code, Section 924(d), Title 28, United States Code, Section 2461(c), and Federal Rule of Criminal Procedure 32.2.

DATED: September 17, 2020

A TRUE BILL.



/s/

FOREPERSON

DAVID L. ANDERSON
United States Attorney

Samantha Schott Bennett

SAMANTHA SCHOTT BENNETT
JONATHAN U. LEE
Assistant United States Attorneys